

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GUY E. ALLEN,

Defendant.

4:11-CR-3087

ORDER

The defendant has filed a motion for compassionate release pursuant to [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#), which permits a defendant (after exhausting administrative remedies) to move for reduction of a term of imprisonment based upon "extraordinary and compelling reasons." [Filing 380](#). The defendant argues that he is serving an unusually long sentence and has served at least 10 years of his term of imprisonment, and that a change in the law has produced a gross disparity between the sentence being served and the sentence that would likely be imposed today, warranting compassionate release pursuant to [U.S.S.G. § 1B1.13\(b\)\(6\)](#). [Filing 380](#).

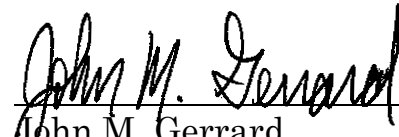
The Eighth Circuit has held, however, that despite [§ 1B1.13\(b\)\(6\)](#), a nonretroactive change in sentencing law cannot, independently or in combination with other factors, constitute an "extraordinary and compelling reason" for a sentence reduction pursuant to [§ 3582\(c\)\(1\)\(A\)](#). *United States v. Johnson*, No. 24-2393, 2025 WL 1949738, at *2 (8th Cir. July 16, 2025) (citing *United States v. Crandall*, 25 F.4th 582 (8th Cir. 2022); *United States v. Rodriguez-Mendez*, 65 F.4th 1000 (8th Cir. 2023); *Loper Bright Enters. v.*

Raimondo, 603 U.S. 369 (2024)). That authority forecloses the defendant's argument.¹ Accordingly,

IT IS ORDERED that the defendant's motion for compassionate release ([filing 380](#)) is denied.

Dated this 17th day of July, 2025.

BY THE COURT:



John M. Gerrard
Senior United States District Judge

¹ The Court notes that the United States Supreme Court has granted certiorari to resolve a circuit split on this issue. *Rutherford v. United States*, No. 24-820, 2025 WL 1603603 (U.S. June 6, 2025). Should the Supreme Court reject the Eighth Circuit's position and uphold § 1B1.13(b)(6), the defendant may be able to reassert his argument.